



**DEPARTMENT OF CORRECTIONS
POLICIES AND PROCEDURES**

Policy No.: DOC 4.6.2	Subject: FACILITY OFFENDER MARRIAGES
Chapter 4: FACILITY/PROGRAM SERVICES	Page 1 of 3
Section 6: Social Services	Revision Date: Nov. 1, 2000 March 8, 2001
Signature: /s/ Bill Slaughter	Effective Date: May 1, 1997

I. POLICY:

It is the policy of the Department of Corrections to consider an adult offender's request to be married while in custody. Marriages of juveniles under supervision must be discouraged, and marriages of juveniles in correctional facilities will be prohibited unless warranted by extraordinary circumstances.

II. AUTHORITY:

2-15-112, MCA. Duties and Powers of Department Heads

53-1-203, MCA. Powers and Duties of Department of Corrections

III. DEFINITIONS:

None.

IV. PROCEDURES:

Offenders requesting to be married must make written application to the Facility Administrator who will ensure that all requests are processed. The Facility Administrator will be the final authority to approve or disapprove all offender requests for marriage.

A. Qualifications and Processing

1. To receive consideration of approval for marriage while incarcerated in a state correctional facility, regional or private prison, an adult offender will be required to participate in at least one marriage counseling session with the facility chaplain or counselor. Although participation in the

Policy No.: DOC 4.6.2	Chapter 4: Facility/Program Services	Page 2 of 3
Subject: FACILITY OFFENDER MARRIAGES		

marriage counseling session is mandatory, the information provided is advisory in nature and will have no influence on the Facility Administrator's decision. The offender must demonstrate that both parties meet all legal qualifications for marriage.

2. Once the pending marriage is determined to comply with state laws, the Facility Administrator will review the request with the clinical and case management staff before giving approval.
3. All expenses and arrangements associated with the marriage will be the responsibility of the offender or paid through other non-state resources.

B. General Requirements

1. The marriage ceremony will be in compliance with facility policy.
2. No conjugal visits or privileges will be allowed under any circumstance.
3. Marriages between co-defendants will not be allowed until the cases of each involved offender have been fully adjudicated.
4. Marriages of juvenile offenders will be prohibited unless extraordinary circumstances are present. In those unique cases, marriages will only be allowed with the permission of the Facility Administrator and the offenders' parents/guardians.
5. The Facility Administrator will not approve marriage requests from offenders with maximum or close custody classifications who are housed in disciplinary detention or administrative segregation.
6. All offenders requesting approval for marriage must exhibit clear conduct for a period of 6 months before the request will be given further consideration.

Policy No.: DOC 4.6.2	Chapter 4: Facility/Program Services	Page 3 of 3
Subject: FACILITY OFFENDER MARRIAGES		

7. Offenders who have a criminal or civil record of spouse abuse will not be approved for marriage.
8. “Same sex” marriages will not be approved unless specifically provided for in State law.

C. Records

Facility staff will adjust all records in accordance with the offender's new marital status.

V. **CLOSING:** All questions concerning this policy should be directed to the Facility Administrator.